

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SOLOMON LEAKE and  
HAYDEN MAE LEAKE,

Plaintiffs,

-against-

PHROSKA LEAKE McALISTER,

Defendant.  
-----X

NOTICE OF MOTION FOR  
SANCTIONS

07 Civ. 2947 (CM)

ECF CASE

PLEASE TAKE NOTICE that upon the accompanying affirmation of William A. Simon, Esq., affirmed June 9, 2008 and the exhibits annexed thereto, the plaintiffs, Solomon Leake and Hayden Mae Leake, by and through their attorneys, McGarry & Simon, will move this Court pursuant to Rules 16(f) and 37(b)(2)A) and other applicable provisions of the Federal Rules of Civil Procedure for an order (a) prohibiting defendant from opposing the claims contained in the amended complaint or supporting her defenses thereto or introducing any evidence at trial; (b) striking defendant's answer and amended answer; (c) rendering a default judgment against defendant; (d) directing defendant to pay the plaintiffs' reasonable expenses, including attorney's fees, caused by her failure to obey the Case Management Plan Order herein and (e) awarding the plaintiffs such other, further, and different relief as to this Court shall seem

just and proper, upon the ground that defendant has failed to communicate or cooperate with plaintiff's counsel to prepare the Joint Pretrial Order, as required by the Case Management Plan Order herein.

Dated: New York, New York  
June 9, 2008

McGARRY & SIMON

/s/

By: \_\_\_\_\_

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